

3 FAM 1590

EEO COMPLAINTS AND GRIEVANCES UNDER THE FOREIGN SERVICE GRIEVANCE SYSTEM

(CT:PER-556; 07-06-2005)
(Office of Origin: OCR)

3 FAM 1591 AUTHORITY

(CT:PER-556; 07-06-2005)
(State)
(Foreign Service Only)

- a. The Foreign Service Act of 1980, as amended (22 U.S.C. 4131(a)(1)(H)).
- b. 3 FAM 4400, *Foreign Service Grievance System*.

3 FAM 1592 APPLICABILITY

(CT:PER-556; 07-06-2005)
(State)
(Foreign Service Only)

- a. This section applies to all members of the Foreign Service who have a right to file a grievance with the Foreign Service Grievance Board. Such persons have the option to elect the EEO complaints procedure set forth above or the Foreign Service Grievance System (3 FAM 4400) to process their EEO discrimination claims, but not both. Use of the EEO pre-complaint (counseling) process does not constitute an election. A member is deemed to have made a binding election of remedy when filing a written formal discrimination complaint *with the appropriate agency's office responsible for EEO programs* (29 CFR 1614.106) or a formal grievance under 3 FAM 4400. The first such filing shall be deemed binding on the employee.
- b. An allegation of discrimination based on sexual orientation does not fall within the definition of illegal discrimination set out in 22 U.S.C. 4131(a)(1)(H) and 3 FAM 4412, paragraph c, subparagraph (9), and a different "election of remedies" rule applies, as follows: If an allegation

of discrimination on account of sexual orientation has been filed either as a grievance or as a complaint before an administrative body, including an appropriate agency's office responsible for *EEO programs*, and has been decided on its merits or is still under consideration by such body, it may not be filed with any other such body.

3 FAM 1593 THROUGH 1599 UNASSIGNED